

REMARKS

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

I. Status of the Claims

Claims 1, 3-7, 16-21, 24-31, 58-65, 68, 69, 73-75, 118, 120, 121, 124-137, 139-151, and 158-164 are pending in this application. Claims 152-157 were withdrawn during prior prosecution. Please note that the cover sheet of the Office Action is incorrect in this respect. In the Office Action mailed on September 17, 2007, claims 1, 3-7, 16-21, 24-31, 58-65, 68, 69, 73-75, 118, 120, 121, 124-135, 137-151 and 158-164 were rejected and claim 136 was objected to as being dependent on a rejected base claim.

Claims 1, 3-7, 16-21, 24-31, 58-65, 68, 69, 73-75, 118, 120, 121 and 124-137, 139-151 and 158-164 remain under prosecution.

II. Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 1, 3-7, 21, 24, 25, 58-64, 68, 69, 73, 74, 121, 124, 129, 139, 140, 141, 142, 143, 149 and 151 under 35 U.S.C. § 103(a) as being obvious over Siebert, United States Patent No. 4,858,556 in view of Moslehi, United States Patent No. 6,051,113 and Mahler, United States Patent No. 4,595,483.

The Examiner rejected claims 16 and 65 under 35 U.S.C. § 103(a) as being obvious over Siebert in view of Moslehi and Mahler and further in view of Ameen, et al., United States Patent No. 6,143,128.

The Examiner rejected claims 17-20 under 35 U.S.C. § 103(a) as being obvious over Siebert in view of Moslehi, Mahler and Ameen, and further in view of Chang, et al., United States Patent No. 6,434,814.

The Examiner rejected claims 26-29, 75, 147, 148 and 150 under 35 U.S.C. § 103(a) as being obvious over Siebert in view of Moslehi and Mahler and further in view of Mitro, et al., United States Patent No. 5,922,179.

The Examiner rejected claim 30 under 35 U.S.C. § 103(a) as being obvious over Siebert in view of Moslehi and Mahler and further in view of Kobayashi, et al., United States Patent No. 5,340,460.

The Examiner rejected claim 31 under 35 U.S.C. § 103(a) as being obvious over Siebert in view of Moslehi and Mahler and further in view of Holland, United States Patent No. 5,311,725.

The Examiner rejected claim 118 under 35 U.S.C. § 103(a) as being obvious over Siebert in view of Moslehi and Mahler and further in view of Nomura, et al., United States Patent No. 6,641,703.

The Examiner rejected claims 120 and 125-128 under 35 U.S.C. § 103(a) as being obvious over Siebert in view of Moslehi and Mahler and further in view of Chang, et al., United States Patent No. 6,434,814.

The Examiner rejected claims 130-135 and 137 under 35 U.S.C. § 103(a) as being obvious over Siebert in view of Moslehi and Mahler and further in view of Hurwitt, United States Patent No. 3,756,939.

The Examiner rejected claims 144-146 under 35 U.S.C. § 103(a) as being obvious over Siebert in view of Moslehi and Mahler and further in view of Baldwin, et al., United States Patent No. 6,419,802.

The Examiner rejected claims 158-160 under 35 U.S.C. § 103(a) as being obvious over Moslehi in view of Mitro and Baldwin.

The Examiner rejected claims 161-164 under 35 U.S.C. § 103(a) as being obvious over Moslehi in view of Mitro and Baldwin.

The Examiner has maintained his rejections from the previous action. Again, he has applied a simplistic approach to the evaluation of obviousness in the instant matter that is contrary to the current state of the law in this area as stated in Applicant's prior response. Applicant does not concede its position, but has amended the claims in order to facilitate prosecution.

Applicant has amended claim 1, which is the basis for all pending claims. The claimed invention requires that the plasma etching functionality be isolated from the other component functionalities of the device. This spatial limitation requires that the highly corrosive etching hardware be separated physically from the other functional devices. This is not taught nor suggested in the prior art. The Siebert reference does identify a shutter which rotates to expose the specimen to the appropriate operative hardware, and which is stated to provide additional substrate protection. However, no further disclosure is made and Fig. 7 merely identifies it as a standalone, line of sight shield between the various operative hardware and the specimen. Moreover, the testing or detection devices of the Siebert reference are still contained within the chamber with the specimen. The shutter is not shown to spatially separate the specimen and plasma etching mechanism from the other operative components.

CONCLUSION

Based on the foregoing remarks, Applicants respectfully submit that claims 1, 3-7, 16-21, 24-31, 58-65, 68, 69, 73-75, 118, 120, 121, 124-137, 139-151, and 158-164 are in condition for allowance. A request for a three month extension of time and request for continuing examination are separately filed herewith.

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